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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rossby et al.

Serial No.: 10/054,206

Group No: 3662

Filed: January 22, 2002

Examiner: Ian L. Lobo

For: MONOPLOE-DRIVEN UNDERWATER SOUND SOURCE

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

## STATUS

2. Applicant is
  - a small entity - verified statement:
    - attached.
    - X already filed.
    - other than a small entity.

## CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Meghan H. Carr

(Type or print name of person mailing letter)

Meghan H. Carr  
(Signature of person mailing letter)05/14/04  
Date

### EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) X Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<u>X</u> one month	\$ 110.00	\$ 55.00
— two months	\$ 420.00	\$210.00
— three months	\$ 950.00	\$475.00
— four months	\$1,480.00	\$740.00
— fifth month	\$2,010.00	\$1,005.00
	Fee \$	<u>\$55.00</u>

If an additional extension of time is required please consider this a petition therefor.  
(check and complete the next item, if applicable)

— An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$55.00

OR

(b) — Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOREXTRA	PRESENT ADDIT. RATE	FEE	OR	RATE	ADDIT. FEE
TOTAL	MINUS	=	x 9= \$		x18=	\$0.00
INDEP.	MINUS	=	x 42= \$		x84=	\$0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+140= \$		+280=	\$
			TOTAL ADDIT. FEE \$		OR FEE	TOTAL ADDIT. \$0.00

If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.  
 If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the  
 appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (, 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR , 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

- (c)   X   No additional fee for claims is required.

**OR**

- (d)        Total additional fee for claims required \$0.00.

## FEE PAYMENT

5.   X   Attached is a check in the sum of \$ 55.00.
- Charge Account No.                      the sum of \$           .
- A duplicate of this transmittal is attached.


### FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. X If any additional extension and/or fee is required, charge Account No. 19-0079

### AND/OR

X If any additional fee for claims is required, charge Account No. 19-0079



SIGNATURE OF ATTORNEY

Reg. No.: 44,357

Richard L. Stevens, Jr.

Type or print name of attorney

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EXAMINER: Lobo, Ian J.

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FOR: MONOPOLE-DRIVEN  
UNDERWATER SOUND SOURCECommissioner for Patents  
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Sir:

**RESPONSE**

The Office Action dated January 30, 2004 has been received and the comments of the Examiner carefully considered.

Claims 18-32 are pending. Claims 18-21, 24-26 and 33 have been rejected. Claims 22, 23 and 27-32 have been objected to. The objections and rejections shall be taken up in the order presented in the Office Action.

2. Claims 18, 19, 20, 21, 24, 25, 26 and 33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Massa, Jr. (U.S. Patent 3,319,220) in view of Massa (U.S. Patent 3,716,827) and the Piquette patents (U.S. Patent 5,926,439 and U.S. Patent 5,949,741).

Claim 18 recites an underwater sound source which comprises:

“...a housing having a length *L* along its longitudinal axis, *the length L being perpendicular to a plane which bisects the housing...* and a monopole driver positioned within the plane and inside the housing...” [cl. 18, emphasis added]

As recited, the monopole driver is positioned inside the housing and within the plane that bisects the housing. The length *L* of the housing is perpendicular to the plane. The term bisect is defined as “to cut or divide into two approximately equal parts.” See The Random House College Dictionary,

Revised Edition; Random House, Inc., 1984. Thus, in Applicants' claimed invention, the monopole driver is positioned inside the housing and within the plane that separates the housing into two approximately equal parts, the plane being perpendicular to the length of the housing.

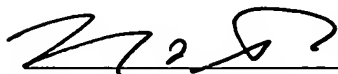
The Examiner contends that Massa, Jr. teaches a housing (11) having a length L that is perpendicular to a plane and a driver (12) positioned within the plane that bisects the housing (11). See page 2 of the Office Action. However, Applicants' submit that the driver (12) of Massa, Jr. can not be construed as being positioned within a plane that bisects the housing (11) and is perpendicular to the length of the housing (11) because, as shown in Fig. 1, the driver (12) is positioned at the proximal end of the length of the housing (11). Accordingly, it is respectfully submitted that Massa, Jr. fails to show the feature of Applicants' claimed invention of a driver that is positioned inside a housing and within a plane that bisects the housing wherein the housing has a length L that is perpendicular to the plane.

In view of the foregoing it is respectfully submitted that the obviousness rejections of claims 18, and dependent claims 19-21 and 24-26 dependent thereon, have been obviated. In addition, Applicants' submit that independent claim 33 is patentable for the same reasons as discussed above with respect to independent claim 18. Thus, it is respectfully submitted that obviousness rejection of claim 33 be withdrawn.

3. Claims 22, 23 and 27-32 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the arguments set forth above, it is respectfully submitted that the objections have been obviated.

The claims are now considered to be in condition for allowance, and an early indication of same is requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read "R. Stevens, Jr.", written over a horizontal line.

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